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09/661,360	09/14/2000	James P. Hickey	10004339-1	9255

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EXAMINER
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LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/661,360

Applicant(s)

HICKEY ET AL.

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. Claims 1-17 are presented for examination.
2. Claim 3-4 are objected to because the limitation stated in claim 3 appears to be in conflict with that of claim 1.

Specifically, claim 1 line 9 requires "receiving said event data by said log manager device driver". But claim 3 requires that "prior to said receiving ... saving said event data ... by said log manager device driver". That is, if the data has to be saved into an event queue by the log manager device driver, then the time the log manager device driver saves the data is the time it receives the data. The phrase "prior to" appears to be redundant. Clarification/Correction is required in response to this office action.

3. Claims 1-15 are objected to because the following terms lack antecedent basis:  
In claims 1, 5, and 7: "said log manager file"; and  
In claims 7, 9 and 11: "said event queue".

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Notess [U.S. Pat. No. 5251152] in view of Fisher et al.(hereafter "Fisher")[U.S. Pat. No. 5969705].

6. As to claim 1, Notess teaches the invention substantially as claimed including: a method for logging event data from at least one operable application program or at least one peripheral device operably connected to a server [100, Fig.1; i.e., the main process residing in the remote note] using a log manager device driver [214, Fig.2], said method comprising the steps of:

- said log manager device driver receives all incoming event data and functions as a device driver for the collected event data;
- receiving said event data by said log manager device driver ; and
- responding to a download request for event data from a requesting computer by said log manager device driver [Figs. 4-6; col.5, line 12 – col.6, line 61].

Notess does not specifically teach that the log manager is registered with the server for performing the functions as mentioned above.

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However, it is well known that registering a process with another process (e.g., a server) under the same operating system is a typical way of getting said process recognized by the other process. For example, Fisher teaches that an event handler is registered with an event manager so that the latter may forwards occurred events to the registered handler for further treatment [col.6, lines 25-49].

Thus, it is obvious that, in a like manner, the processes of Notess's agent, land driver, and collector [see 214, Fig.2] are also required to register with the server, because by doing so it would facilitate the inter-process communication among them.

7. As to claim 2, Notess further teaches that said receiving step further comprising the steps of:

- waiting for event data from said at least one application program or said at least one peripheral device by said log manager device driver; and
- sending event data to said log manager device driver by said at least one application program or said at least one peripheral device [412, 414, Fig.4; col.5, lines 39-47].

8. As to claim 3, Notess further teaches that said method further comprising the step of saving said event data in an event queue by said log manager device driver [Fig.4].

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9. As to claim 4, Notess does not specifically teach deleting an oldest event data from said event queue to make available space for new event data when said event queue is full by said log manager device driver.

However, according to description of 412-414 Fig.4 at col.5, lines 39-47, it is clear that the buffer used by the LAN driver for storing packet data has limited size and that data collection is a continuous process while statistics of the acquired data is being assembled in another process.

As such, it is obvious that the buffer at Notess's LAN driver must be continuously updated with newly acquired data because the buffer is limited in size. Further, when the buffer data is read out at a speed lower than the data is written, it is an obvious option to have the oldest data overwritten by the newer data because, the older data is less important in the statistical trend analysis than the newer data.

10. As to claims 5-6, Notess further teaches that said method further comprising the step of:

- sending a download request for log manager file to said server by said requesting computer; and
- determining whether said server received said download request by said requesting computer and opening said log manager file from said log manager device driver if said server received said download request by said server [605, Fig.6; col.6, lines 29-31].

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Notess does not specifically teach returning and displaying an error message if said server did not receive said download request by said requesting computer.

However, such an error message is well known in the client-server communication model when the server does not respond to a client's request.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have returned an error message to Notess's management node when, e.g., the communication link between the management node and the remote node is broken, because the error message is a signal of problems that may have occurred in the network, thereby prompting for further diagnosis.

11. As to claims 7-8, Notess further teaches that said opening step further comprising the steps of:

- determining, by said server, whether said log manager file was successfully opened from said log manager device driver;
- returning an error message to said requesting computer when said log manager file was not successfully opened by said server; and
- reading said event data stored in said event queue when said log manager file was successfully opened by said server [606 –622, Fig.6].

12. As to claim 9, Notess further teaches that said reading step further comprising the steps of determining whether said event data are available from said event queue by said server; blocking until said event data are available when said event data are not

available by said server; returning said event data to server when said event data is available by said log manager device driver [606-612, Fig.6].

13. As to claim 10, Notess further teaches that said blocking step further comprising the steps of waiting for said event data from said at least one application program or said at least one peripheral device by said log manager device driver; sending said event data to said log manager device driver by said application program or said peripheral device; receiving said event data by said log manager device driver; and saving said event data in said event queue by said log manager device driver [col.4, lines 1-21].

14. As to claim 12, Notess further teaches that said returning event data step further comprising the steps of:

- receiving said event data from log manager device driver by said server [Fig.6];
- sending said event data to requesting computer by said server; and
- receiving said event data from server by said requesting computer [710, 712Fig.7; Fig.8].

15. As to claim 13, Notess further teaches displaying said event data to an user by said requesting computer [1112, Fig.11].



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16. As to claims 14-15, Notess further teaches that the method further comprising the steps of:

- determining whether said requesting computer wants to continue downloading said log manager file by said server;
- waiting for more event data from said server when said requesting computer wants to continue downloading said log manager file by said requesting computer; and
- terminating the connection to said server when said requesting computer does not want to continue downloading said log manager file by said requesting computer [706, 708, Fig.7; col.5, lines 45-47; col.6, line 67 – 37; i.e., the user at the management has the control of whether and how much the data will be downloaded].

17. As to claims 11 and 16-17, since the features of these claims can also be found in claims 1-10 and 12-15 they are rejected for the same reasons set forth in the rejection of claims 1-10 and 12-15 above.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Balick et al. [U.S. Pat. No. 5802291];

Agarwal et al. [U.S. Pat. No. 5958010];

Chen et al. [U.S. Pat. No. 5642478];

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Davis et al. [U.S. Pat. No. 6260062];

Lewis et al. [U.S. Pat. No. 5748881]; and

Niemi et al. [U.S. Pat. No. 6470388].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

January 8, 2004

*Wen-Tai Lin*  
1/8/04